

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of ROCHANDA RENEE NATZEL,
KIMBERLY MARIE NATZEL, ROYCHANDA
KELLY NATZEL, KINA MARIE FOUNTAIN, and
RICHARD JUNIOR FOUNTAIN, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

KEENA JOANN NATZEL,

Respondent-Appellant,

and

ROY KELLY, MIKE PRIESTER, RICHARD
FOUNTAIN, and JOHN ROBERT NATZEL,

Respondents.

Before: Hood, P.J., and Griffin and O'Connell, JJ.

PER CURIAM.

Respondent-appellant appeals as of right from the juvenile court order terminating her parental rights to the minor children under MCL 712A.19b(3)(c)(i), (g), and (j); MSA 27.3178(598.19b)(3)(c)(i), (g), and (j). We affirm.

Respondent-appellant argues that the juvenile court erred in terminating her parental rights, asserting that the record indicates that petitioner failed to make reasonable efforts to reunite her with her children, this in violation of state statute and the federal constitution. We disagree.

Michigan law requires that where a court has taken temporary jurisdiction over a child, reasonable efforts be made to reunite the child with its natural parent or parents unless doing so would cause a substantial risk of harm to the child's physical or mental well-being. MCL 712A.19a(4); MSA 27.3178(598.19a)(4); *Tallman v Milton*, 192 Mich App 606, 614-615; 482 NW2d 187 (1992). Similarly, a parent has a liberty interest in maintaining custody of his or her child that is protected by constitutional requirements of due process.¹ *In re Brock*, 442 Mich 101, 109; 499 NW2d 752 (1993); *In re Martyn*, 161 Mich App 474, 478; 411 NW2d 743 (1987).

In this case, the record shows that any failure to reunite respondent-appellant with her children was the result of respondent-appellant's own actions. The case manager testified that he sought to achieve reunification, but that respondent-appellant substantially failed to avail herself of plans and services offered. According to the evidence, respondent-appellant did not attend most arranged counseling sessions, nor did she begin to attend a support group for battered women until just before the termination hearing. Most importantly, respondent-appellant continued her relationship with her boyfriend who was abusive to both her and one of the children. The record thus indicates that the reunification process was defeated by respondent-appellant's noncooperation, not by any failure on petitioner's part in this regard. We note that respondent-appellant does not suggest in her brief on appeal what more petitioner could have done to try to achieve reunification. For these reasons, there is no merit in respondent-appellant's argument that petitioner failed to make reasonable efforts to reunite her with her children.

Affirmed.

/s/ Harold Hood
/s/ Richard Allen Griffin
/s/ Peter D. O'Connell

¹ Respondent-appellant cites the Fifth and Fourteenth Amendments of the United States Constitution as the basis of her due process rights. We note for the sake of academic propriety that the due process requirement of the Fifth Amendment concerns only the federal government and is thus inapplicable to this case. The Fourteenth Amendment, however, brings federal due process requirements fully to bear on the states. US Const, Am XIV, § 1. Our state constitution likewise guarantees due process for all persons under its jurisdiction. Const 1963, art 1, § 17.